

HOUSE BILL 3328
By Kernell

AN ACT to amend Tennessee Code Annotated, Title 32, Chapter 11, Part 1, relative to living wills.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 32-11-104, is amended by deleting subsection (a) in its entirety and substituting instead the following new language:

(a) Any competent adult person may execute a declaration directing the withholding or withdrawal of medical care to such person, to become effective on loss of competency, which declaration shall be acknowledged and signed by the declarant in the presence of a notary public and shall be notarized. The declaration shall be substantially in the form established in §32-11-105.

SECTION 2. Tennessee Code Annotated, Section 32-11-105, is amended by deleting the following language:

We, the subscribing witnesses hereto, are personally acquainted with and subscribe our names hereto at the request of the declarant, an adult, whom we believe to be of sound mind, fully aware of the action taken herein and its possible consequence.

We, the undersigned witnesses, further declare that we are not related to the declarant by blood or marriage; that we are not entitled to any portion of the estate of the declarant upon the declarant's decease under any will or codicil thereto presently existing or by operation of law then existing; that we are not the attending physician, an

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employee of the attending physician or a health facility in which the declarant is a patient; and that we are not persons who, at the present time, have a claim against any portion of the estate of the declarant upon the declarant's death.

Witness

Witness

STATE OF TENNESSEE

COUNTY OF _____

Subscribed, sworn to and acknowledged before me by _____, the declarant, and subscribed and sworn to before me by _____ and _____, witnesses, this _____ day of _____, 19__.

Notary Public

My Commission Expires:

and by substituting instead the following:

STATE OF TENNESSEE

COUNTY OF _____

Subscribed, sworn to and acknowledged before me by _____, the declarant, this _____ day of _____, ____.

Notary Public

My Commission Expires:

SECTION 3. This act shall take effect July 1, 1998, the public welfare requiring it.